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09/748,137	12/27/2000	Hiromoto Inoue	50073-042	3305

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EXAMINER

AKKAPEDDI, PRASAD R

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 06/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,137

Applicant(s)

INOUE, HIROMOTO

Examiner

Prasad R Akkapeddi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Drawings

2. The drawings filed on 03/26/2003 and 04/09/2003 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. Claim 6 recites the limitation "the spacer" in claim 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsunaga et al. (Matsunaga) (U.S. Patent No. 5,949,502) in view of Burke (U.S. Patent No. 5,479,285).

As to claims 1-2: Matsunaga discloses a liquid crystal display device (Figs. 26 and 27) with a liquid crystal display element (PNL) in which a liquid crystal material is interposed between two opposed insulating substrates (SUB 1, SUB 2), a case body (MCA) disposed in a back side of the liquid crystal display element and supporting the liquid crystal display element, an LCD cover (SHD) disposed in a display surface side of the liquid crystal display element, having an opening portion in a display region (Center of display panel), and accommodating the liquid crystal display element by integrating with the case body through a fitting portion (fixing members Col. 19, line 11) and a cushion material (GC1) arranged in the case body and holding the liquid crystal display element by fitting

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it into the frame (Col. 19, lines 26-38) in which the cushion material is constituted such that the fitting portion between the case body and the LCD cover is oppressed (pressure is applied, Col. 18, line 62) by the fact that the liquid crystal display element is fitted into the cushion material, thereby strengthening the fitting (Col. 18, lines 59-67).

Although Matsunaga discloses a cushion material (GC 1) arranged in the case body and holding the liquid crystal display element, Matsunaga does not explicitly state that the cushion material surrounds the outside edge of the liquid crystal display element. Burke on the other hand in disclosing a liquid crystal display with an isotropic shock mounting discloses a gasket (44) made from an elastic material that provides cushioned support to the display (28). Further, Burke teaches that the gasket (44) is positioned around all edges of the glass display and is shown like a frame like form in Fig. 5 (col. 3, lines 60-67). Both Matsunaga discloses that the cushion material (GC1 and GC2) is formed of rubber (Col. 18, line 59) which has excellent elastic coefficient (Col. 19, line 3) and Burke discloses that the gasket material is made from an elastic material (col. 3, line 65).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to adapt the cushion material arranged in a frame-like form and surrounding the outside edge of the liquid crystal display element to provide an isotropic shock mounting system for devices that are

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frequently subjected to high G levels such as portable hand held displays (col. 1, lines 25-35).

6. Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsunaga and Burke and further in view of Park (U.S. Patent No. 5,949,642).

As to claims 3-7: Matsunaga discloses a liquid crystal display device (Figs. 26 and 27) with a liquid crystal display element (PNL) in which a liquid crystal material is interposed between two opposed insulating substrates (SUB 1, SUB 2), a case body (MCA) disposed in a back side of the liquid crystal display element and supporting the liquid crystal display element, an LCD cover (SHD) disposed in a display surface side of the liquid crystal display element, having an opening portion in a display region (Center of display panel), and accommodating the liquid crystal display element by integrating with the case body through a fitting portion (fixing members Col. 19, line 11). In addition, Matsunaga discloses mechanism parts (hinges) (Fig. 27) fixed to the case body and supporting the case body accommodating the liquid crystal display element and integrated therewith and the LCD cover in a rotatable state (see dark arrows line in Fig. 27) and pawl portions (Col. 19, line 8) provided in the LCD cover.

Although Matsunaga discloses pawl integrated with the side face of a shield case (col. 19, lines 8-9), Matsunaga does not disclose that the pawl portions extend to a space between the case body and the hinge members to engage with hinge members, nor does he disclose that the pawl portions and the hinge members having a bolt means and the protrusion portions. Park in

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disclosing a hinge assembly for portable computers, discloses horizontal bracket (300) (pawl), a hinge member (320), a pivot bracket (330) rotatably connected, a spacer (314), a bolt hole (319) and a bolt (360) (col. 2, lines 43-63) and (col. 4, lines 8-67).

As to the product by process limitation "the hinge can be mounted after the LCD cover and the case body have been integrated" of claim 5, it has been recognized that "[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to adapt the hinge assembly and the mounting structure as disclosed by Park for improved hinge assembly connection of the display to the housing that decreases load density on the top case when the visual display is rotatably moved relative to the main body and structurally sound rotatable connection to decrease the concentration of stress in specific areas (col. 2, lines 21-36).

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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (a) Lee (U.S. Patent No. 6,272,006); discloses a hinge device for a portable computer and (b) Yang (U.S. Patent No. 5,467,504); also discloses a hinge for a portable computer.

Response to Arguments

8. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prasad R Akkapeddi whose telephone number is 703-305-4767. The examiner can normally be reached on 7:00AM to 5:30PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H Kim can be reached on 703-305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0530.

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May 29, 2003

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